

Exhibit D-1

“Informal, BP-8”

Response to Informal Resolution Form

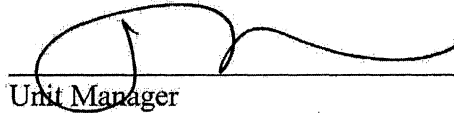
Inmate: **SCHULTE, Joshua**
Register Number: **79471-054**

This is in response to your March 6, 2019 Informal Resolution Form, in which you allege MCC New York is denying you access to books.

Your Special Administrative Measures (SAM) specifically preclude you from sharing books with any other inmate. As such, you cannot be provided books from the institutional library. In addition, BOP policy does not require Education staff to purchase books for you. However, Education staff are exploring buying books for you in the future.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

3/20/19
Date


Unit Manager

NYM 1330.7
ATTACHMENT 1METROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATESINFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you **MUST** attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: _____

INMATE'S COMMENTS:

1. Complaint: No library usage: The MCC has denied me access to the library and forced my family to purchase books. This is unconstitutional especially considering that I am in solitary confinement. The library staff have asked me twice about books that I would like for them to purchase, yet 4 months later no books have been purchased. The MCC must provide its inmates with reasonable access to books.

2. Efforts made by you to informally resolve: On Tuesday, Nov 27th I sent a list of 35 unconstitutional issues that were reviewed by the warden. I was told the issues would be addressed, but none were.

3. Names of staff you contacted/Date you contacted the staff:

Proctor, Warden, 11/27/18

Date returned to Correctional Counselor: _____

Schultz, Joshua

Inmate's Name

79471054

Register Number

3/6/19

Date

CORRECTIONAL COUNSELOR'S COMMENTS

1. Efforts made to informally resolve and staff contacted: _____

Date informally resolved: _____ Counselor Signature: _____

Date BP-229(13) Issued: _____

Unit Manager: _____

Exhibit D-2

“MCC, BP-9”

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: **SCHULTE, Joshua**
Reg. No. **79471-054**
Administrative Remedy Id.: **974083-F1**


This is in response to your Request for Administrative Remedy dated March 28, 2019, wherein you allege that while housed in the Special Housing Unit the institution is not providing access to the library. You are requesting to have access to the library.

Per the guidance laid out in the conditions of your Special Administrative Measures (SAMS), books can either be sent in or can be provided by the Education Department. Access to the library is provided through the law library on 10 South, and is done so when it is consistent with the institution security and good order. Your SAMS do not allow for sharing books in general circulation of the institution library, or amongst other inmates on 10 South. Upon request, the Education Department can provide selection of leisure reading books.

Based on the above information, your request for relief is granted.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

7/10/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 79471654 IPS MCC
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Request access to books: The MCC has denied me access to the library and forced my family to pay for books. This violates the 5th amendment's due process clause because I am impermissibly punished and denied access to the library merely because of my SAMs designation. This also violates the 8th amendment's cruel and unusual punishment clause because I am caged in 24/7 Solitary Confinement and denied the ability to keep my sanity. Every institution in America allows inmates access to a library—most now have tablets or other electronic means which would both facilitate an inmate's access to a library and simultaneously prevent message passing through books.

3/28/19
DATE

[Signature]
SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Exhibit D-3

“Regional, NE”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 22, 2019

ebd

RCUD 6/11

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974083-R1 REGIONAL APPEAL
DATE RECEIVED : MAY 15, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: ALL FOUR PAGES OF YOUR (BP-9) ~~(BP-10)~~ (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 2: SEE REMARKS.

REMARKS : PAGES 2, 3, AND OF THE BP9 ARE NOT LEGIBLE.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 79471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Access to books: I did not receive a response to my BP-9 filed 3/28/19 and it has exceeded the 20-day time limitation. The MCC claims it does not have to facilitate access to books for SAMs inmates. This violates the 1st, 5th, & 8th amendments. Denial of books violates the 1st amendment because it's tantamount to banning all books. Additionally, since only SAMs inmates are denied access to books, it violates the 5th amendment's due process clause as it arbitrarily punishes SAMs inmates without due process. Finally, denial of books violates the 8th amendment's cruel and unusual punishment ban as it is self-evident that denial of the printing press is cruel and unusual. No other prison in the United States bans all books, let alone pretrial inmates. The MCC's assertion that SAMs inmates cannot access the MCC library due to "security concerns" does not preclude them from providing access. One of my suggestions was utilizing the MCC public library and providing inmates with tablets to access books.

5/1/19
DATE

Paul Schulte
SIGNATURE OF REQUESTER

Part B - RESPONSE

Returned 6/11

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

974083R1

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



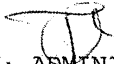
Exhibit D-4

“Central Office”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: JULY 19, 2019

RLUD 7/30


FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-301LAD
150 PARK ROW
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 974083-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : JUNE 20, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION
NOTICES.

REJECT REASON 2: YOU DID NOT PROVIDE A COPY OF YOUR INSTITUTION
ADMINISTRATIVE REMEDY REQUEST (BP-9) FORM OR A COPY
OF THE (BP-09) RESPONSE FROM THE WARDEN.

REJECT REASON 3: SEE REMARKS..

REMARKS : MAKE CORRECTIONS AND RESUBMIT AT THE REGIONAL LEVEL.



ATTENTION: ~~*~~NO BALLPOINT PEN~~*~~
AS A SAMS INMATE HELD IN
SOLITARY CONFINEMENT, I HAVE
NO ACCESS TO A BALLPOINT PEN OR
PHOTOCOPIER

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schultz Joshua A 74471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Access to books: My BP-10 was denied because I don't have access to a ballpoint pen. Due to SAMs, I am denied access to buy pens in commissary and only given an ink cartridge. I cannot help this. I have made every good faith effort to resolve this, but the BOP has not. The MCC claims it does not have to facilitate access to books for SAMs inmates. This violates the 1st, 5th, and 8th amendments. Denial of books violates the 1st amendment because it's tantamount to banning all books. Additionally, since only SAMs inmates are denied access to books, it violates the 5th amendment's due process clause as it arbitrarily punishes SAMs inmates without due process. Finally, denial of books violates the 8th amendment's cruel and unusual punishment as it is self-evident that denial of the printing press is cruel and unusual. No other prison in the United States bans all books, let alone to pretrial inmates. The MCC's assertion that SAMs inmates cannot access the MCC library due to "Security Concerns" does not preclude them from providing access. One of my suggestions was utilizing the NYC public library and providing inmates with tablets to access books.

6/11/19
 DATE

Paul Schultz
 SIGNATURE OF REQUESTER

Part B - RESPONSE

DIR
 1RQ-B
 OTH - Fix's results @ RHN

RECEIVED

JUN 20 2019

Administrative Remedy Section
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 974083-A1

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 22, 2019

ebd

RCUD 6/11

FROM: ADMINISTRATIVE REMEDY COORDINATOR
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007

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OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

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DATE RECEIVED : MAY 15, 2019
SUBJECT 1 : ADMINISTRATIVE DETENTION CONDITIONS
SUBJECT 2 :
INCIDENT RPT NO:

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LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
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REJECT REASON 2: SEE REMARKS.

REMARKS : PAGES 2, 3, AND OF THE BP9 ARE NOT LEGIBLE.

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

Part A - REASON FOR APPEAL

Access to books. I did not receive a response to my BP-9 filed 4/20/19 and it has exceeded the 20-day time limitation. The MCC claims it does not have to provide access to books for SMI's inmates. This violates the 1st, 5th & 8th amendments. Denial of books violates the 1st amendment because it's tantamount to denying of rights. Additionally, since only SMI inmates are denied access to books, it violates the 5th amendment's due process clause by arbitrarily punishes SMI's inmates without due process. From denial of books violates the 8th amendment's cruel and unusual punishment because it is self-evident that denial of the printing press is cruel and unusual. No other person in the United States has no books, let alone to pretrial inmates. The MCC's assertion that SMI's inmates cannot access the MCC library due to "security concerns" does not preclude them from providing access. One of my suggestions was utilizing the NYC public library and providing inmates with books to access books.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE RECEIVED
FEDERAL BUREAU OF PRISONS
REGIONAL COUNSEL OFFICE

MAY 15 2019

NERO-PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER:

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL